

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EDITH PALOS,	§	
<i>Plaintiff,</i>	§	Civ. Action No. 4:09-cv-02798
	§	
v.	§	
	§	
UNIVERSITY OF TEXAS HEALTH	§	
SCIENCE CENTER AT HOUSTON,	§	
<i>Defendant.</i>	§	
	§	

**DEFENDANT’S RESPONSE TO MOTION OF LARRY WATTS
TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

TO THE HONORABLE KENNETH M. HOYT, UNITED STATES DISTRICT JUDGE:

Defendant The University of Texas Health Science Center at Houston (“UTHealth”) files this response to the Motion of Larry Watts to Withdraw as Counsel for Plaintiff [Dkt. # 18], and respectfully shows the Court as follows:

Pursuant to the scheduling order currently in place, discovery is to be completed by September 30, 2010. [Dkt. # 8.] UTHealth has been working diligently to comply with this schedule, including scheduling numerous depositions in August and September. And yet recent developments regarding Plaintiff and her counsel threaten to prejudice UTHealth by precluding discovery and delaying the timely resolution of this case.

First, before Mr. Watts raised any concerns regarding his representation of Plaintiff, he requested that UTHealth agree to a continuance of the scheduling order in this case. [Exh. 1.] UTHealth and Mr. Watts then reached an agreement as to a proposed new schedule, which Mr. Watts was to file with the Court – but never did. [*Id.*] Second, Plaintiff’s deposition, which

commenced on August 20, 2010 after considerable scheduling difficulties, was suspended by agreement to August 31, 2010 due to Plaintiff's emotional instability and inability to answer the questions posed to her. At the continuation of Plaintiff's deposition, Mr. Watts indefinitely postponed the deposition due to Plaintiff's request for new counsel. [Exh. 2] Third, additional depositions of Plaintiff's treating physicians (who were identified as experts by Plaintiff) scheduled for September 8-10 were also postponed by Mr. Watts as a result of his pending motion to withdraw and Plaintiff's lack of counsel. [Exh. 3]

Mr. Watts's immediate actions and pending motion can be explained by Plaintiff's request for new counsel. However, given the persistent scheduling difficulties (primarily the result of Mr. Watts's scheduling conflicts), the cumulative effect is that UTHHealth will be unable to complete discovery under the current schedule and will be prejudiced by the delay caused by Plaintiff's search for new counsel.

Should the Court decide to grant Mr. Watts's motion to withdraw, UTHHealth respectfully requests that the Court impose the following conditions (in accordance with Local Rule 83.2):

(1) Plaintiff must obtain new counsel by September 30, 2010¹ or proceed *pro se* to avoid further delay; (2) Plaintiff's deposition is to resume no later than October 15, 2010; and (3) the scheduling order shall be amended (as previously agreed by the parties) to extend the discovery period and other relevant deadlines to allow for the resumption and completion of discovery without prejudice to either party. A proposed order granting this relief is included with this response.

¹ The deadline of September 30, 2010 for Plaintiff to find new counsel should not be difficult to meet, as it is clear from Mr. Watts's motion that the process of finding new Plaintiff's counsel is already well under way. By that time, she will have had more than 30 days to retain new counsel.

Dated: September 7, 2010

Respectfully submitted,

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/s/ Darren G. Gibson

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***ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendant's Response to the Motion of Larry Watts to Withdraw as Counsel for Plaintiff was served via the *CM/ECF system* on September 7, 2010, to:

Larry Watts
P.O. Box 2214
Missouri City, Texas 77459
Attorney for Plaintiff

/s/ Darren G. Gibson
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